

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 760

Introduced by Senator Mendoza

February 27, 2015

An act to add Division 45 (commencing with Section 75500) to the Public Resources Code, relating to climate change.

LEGISLATIVE COUNSEL'S DIGEST

SB 760, as amended, Mendoza. Disadvantaged Community Enhancement Act of 2015.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

Existing law establishes the Strategic Growth Council consisting of specified members and requires the council to, among other things, develop and administer the Affordable Housing and Sustainable Communities Program to reduce greenhouse gas emissions through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support other related and coordinated public policy objectives.

This bill would require the council to develop and implement the Disadvantaged Community Enhancement Program to award grants to

disadvantaged communities, as defined, to facilitate projects for community enhancement improvements that reduce greenhouse gas emissions in furtherance of the goals of the California Global Warming Solutions Act of 2006 and that provide to ~~disadvantaged communities~~ *eligible applicants* multiple environmental benefits. The bill would authorize the council, upon appropriation by the Legislature, to expend moneys in the fund to implement the program. *The bill would require the State Air Resources Board to determine a methodology for quantifying carbon reduction benefits of proposed projects and the community enhancement improvements.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Division 45 (commencing with Section 75500) is added to the Public Resources Code, to read:

DIVISION 45. DISADVANTAGED COMMUNITY
ENHANCEMENT

PART 1. GENERAL PROVISIONS AND DEFINITIONS

75500. This division shall be known, and may be cited as, the Disadvantaged Community Enhancement Act of 2015.

75501. It is the intent of the Legislature, in enacting this division, to provide additional funding opportunities to address infrastructure challenges in California's most disadvantaged communities and promote projects that provide for cobenefits that address physical blight and ~~deencies~~ *deficiencies* while addressing climate change.

75502. For purposes of this division, the following terms mean the following:

(a) "Active transportation program" means the program established pursuant to Section 2380 of the Streets and Highway Code.

(b) "Council" means the Strategic Growth Council established pursuant to Section 75121.

(b)

(c) “Disadvantaged community” means a community identified as a disadvantaged community pursuant to Section 39711 of the Health and Safety Code.

(d) “*Eligible applicant*” means a city, county, city and county, special district, Native American tribe, state conservancy, or a qualified nonprofit organization.

~~(e)~~

(e) “Program” means the Disadvantaged Community Enhancement Program established pursuant to Section 75510.

PART 2. DISADVANTAGED COMMUNITY ENHANCEMENT PROGRAM

75510. The council shall develop and implement the Disadvantaged Community Enhancement Program to award grants to disadvantaged communities to facilitate projects for community enhancement improvements that reduce greenhouse gas emissions in furtherance of the goals of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) and that provide to disadvantaged communities multiple environmental benefits.

75511. Eligible community enhancement improvements include, but are not limited to, any of the following:

~~(a) Water quality improvement.~~

~~(b) Groundwater, storage, recharge, or remediation.~~

~~(c) Storm water capture.~~

(a) *Land acquisitions in urban settings of blighted or contaminated properties serving little sequestration benefit for greenspace conversion.*

~~(d)~~

(b) Urban greening projects including urban forestry and landscaping.

~~(e)~~

(c) Park development and land protection for passive or active recreation.

~~(f)~~

(d) ~~Hardscape conversions.~~ *conversions and repurposing of lands to serve greenspace benefits.*

~~(g)~~

(e) Nonmotorized trail and other active transportation projects.

1 ~~(h)~~

2 (f) Heat island mitigation.

3 ~~(i)~~

4 (g) Planning of a sustainable community.

5 75512. (a) The council shall award grants to *eligible* applicants
6 through a competitive process. In prioritizing the award, the council
7 shall consider ~~all both of the following factors~~ *following*:

8 (1) *Factors of the community benefiting from the award: award,*
9 *including all of the following:*

10 ~~(a)~~

11 (A) The poverty rate.

12 ~~(b)~~

13 (B) The unemployment rate.

14 ~~(c)~~

15 (C) The childhood obesity rate and incidents of asthma.

16 ~~(d)~~

17 (D) The availability of greenspace and venues for physical
18 activity.

19 ~~(e)~~

20 (E) The lack of nonmotorized ~~infrastructure~~: *infrastructure*
21 *supporting an active transportation program.*

22 ~~(f)~~

23 (F) The levels of air pollution.

24 ~~(g)~~

25 (G) The drinking water quality.

26 ~~(h)~~

27 (H) The groundwater quality, if applicable.

28 (2) *The environmental benefits resulting from the project,*
29 *including, but not limited to, the following:*

30 (A) *Water quality improvement.*

31 (B) *Groundwater, storage, recharge, or remediation.*

32 (C) *Storm water capture.*

33 (b) *The council shall give priority to eligible applicants and*
34 *projects that are located wholly within distressed watershed areas*
35 *with significant populations and heavy concentrations of industrial*
36 *facilities and trade corridor activity.*

37 75513. (a) To receive a grant for a project pursuant to the
38 program, ~~a disadvantaged community~~ *an eligible applicant* shall
39 submit an application, as prescribed by the council, that contains

1 information regarding the factors *and environmental benefits*
2 described in Section 75512.

3 (b) In addition to subdivision (a), the applicant shall also include
4 in the application the following information:

5 (1) A clear articulation on how the grant would be used to
6 address the factors *and provide the environmental benefits*
7 described in Section 75512.

8 (2) The leveraging of other sources of funds to facilitate and
9 maximize the benefits from the proposed community enhancement
10 improvements.

11 (3) A demonstration on how the community enhancement
12 improvements would assist the state in meeting the greenhouse
13 gas emissions reduction goals established pursuant to the California
14 Global Warming Solutions Act of 2006 (Division 25.5
15 (commencing with Section 38500) of the Health and Safety Code.

16 75514. Awards made pursuant to this division shall not supplant
17 other sources of funding designed to benefit disadvantaged
18 communities.

19 75515. *For purposes of verifying carbon reduction benefits*
20 *resulting from the implementation of eligible projects, the State*
21 *Air Resources Board shall perform a study to determine a*
22 *methodology for quantifying carbon reduction benefits of proposed*
23 *projects and the community enhancement improvements specified*
24 *in Section 75511.*

25
26 PART 3. FISCAL PROVISION
27

28 75520. The council may, upon appropriation by the Legislature,
29 expend moneys from the Greenhouse Gas Reduction Fund
30 established pursuant to Section 16428.8 of the Government Code
31 to implement the program.